

## **REMARKS**

In view of the above amendments and the following remarks, further examination and reconsideration of the rejections in the Office Action of February 13, 2009 are respectfully requested.

Claims 26 and 35 are hereby amended. Claims 26-43 are pending in the application.

In items 3 and 4 of the Office Action, claims 26-31 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Horowitz (U.S. 2004/0078817) in view of Wells (U.S. 7,302,160); in item 5 of the Office Action, claim 32 is rejected under 35 U.S.C. §103(a) as being unpatentable over Horowitz in view of Wells, and further in view of Knudson et al. (U.S. 2005/0204388). Claim 26 has been amended to further distinguish the claimed invention over the prior art of record. Thus, these rejections are believed inapplicable to claims 26-32 and 34 for the reasons below, and withdrawal of the rejections is respectfully requested.

Claim 26 recites a program reservation-and-recording apparatus having an erasure control section configured to erase an unreserved program portion in the recording medium based on the program list, wherein the erasure control section erases an unreserved program portion preceding the reservation program in the recording medium based on a program list acquired at a time immediately before a program-recording completion time. This is not disclosed by Horowitz, Wells, or Knudson.

Horowitz and Knudson do not disclose an erasure control section as recited in claim 26, nor were they relied on for such in the Action. Paragraphs [0028], [0030], and [0032] of Horowitz, cited on page 4 of the Action, do not disclose an erasure control section as recited in claim 26; the limitation which these paragraphs are relied on as disclosing (not recording a program that was not requested) is not recited in the erasure control section in claim 26.

Wells was cited in the Action as disclosing the erasure control section. However, Wells does not disclose an erasure control section as now recited in claim 26.

Wells discloses a method and apparatus for automatically advancing a recorded audio/video signal past commercials, and which also allows more programming time on a HDD by deleting commercials from the storage via a copy operation (see column 2, lines 22-32).

However, Wells discloses identifying content to be skipped or erased according to post processed statistics (see column 2, lines 24 and 25). In particular, data is monitored during encoding for various triggering events, various levels of scores are generating based on the triggers, and portions of the data are identified for skipping or deletion based on the scores (see column 2, line 65 to column 3, line 1; column 3, lines 15-25; column 4, line 63 to column 5, line 21; Figures 4a and 4b).

Thus, Wells does not disclose an erasure control section configured to erase an unreserved program portion in the recording medium *based on the program list*, wherein the erasure control section erases an unreserved program portion preceding the reservation program in the recording medium *based on a program list acquired at a time immediately before the program-recording completion time*.

Also, although Wells discloses deletion of a commercial included in a program, it does not disclose deletion of an unreserved program portion preceding the reservation program. Accordingly, if Horowitz was modified in view of Wells, the result would be an apparatus which was able to delete commercials, but not unreserved program portions. There is no disclosure in Horowitz or Wells of an erasure control section configured to erase an unreserved program portion.

Accordingly, the present invention as recited in claim 26 is not rendered obvious by the combined disclosures of Horowitz, Wells, and Knudson. It is submitted that claim 26 is allowable over the prior art of record, as are claims 27-32 and 34 depending therefrom.

In item 6 of the Office Action, claims 33, 35-40, 42, and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Horowitz in view of Wells, and further in view of Akamatsu et al. (U.S. 2002/0044764); in item 7 of the Office Action, claim 41 is rejected under 35 U.S.C. §103(a) as being unpatentable over Horowitz in view of Wells and Akamatsu, and further in view of Knudson. Claims 26 and 35 have been amended to further distinguish the claimed invention over the prior art of record. Thus, these rejections are believed inapplicable to claims 33 and 35-43 for the reasons below, and withdrawal of the rejections is respectfully requested.

Claim 33 depends from claim 26, which is believed allowable for the reasons discussed above. Akamatsu does not obviate the shortcomings of Horowitz and Wells, nor was it relied on

for such in the Action. Thus, it is submitted that claim 33 is allowable at least by virtue of its dependency from claim 26.

Claim 35 recites a program reservation-and-recording apparatus having an erasure control section configured to determine, based on the program list acquired at the time after the program-recording completion time, if an unreserved program portion is stored within the recording of the reserved program in the recording medium, and configured to erase the unreserved program portion in the recording medium based on the program list.

For the reasons discussed above with respect to claim 26, this limitation is believed not disclosed by Horowitz or Wells. Akamatsu does not obviate the shortcomings of Horowitz and Wells in this respect, nor was it relied on for such in the Action. Accordingly, an erasure control section as recited in claim 35 is not rendered obvious by the combined disclosures of Horowitz, Wells, and Akamatsu.

Claim 35 also recites that the program reservation-and-recording apparatus has a program division means configured to divide the reserved program stored in the recording medium, based on comparison between the program identification information included in the reservation information stored in the reservation-information memory and the program identification information of the program list acquired at the time after the program-recording completion time, within a program-recording time in accordance with the program identification information described in the program list in a chronological order. This is not disclosed by the prior art.

On page 15 of the Office Action, it is stated that Horowitz and Wells do not disclose a program division means configured to divide the reserved program stored in the recording medium, but Akamatsu does. In support, the Examiner indicates that Akamatsu discloses that each reserved program is stored as a single data file, as shown in paragraphs [0187] and [0188] and figure 23 of Akamatsu; however, this is not the limitation recited in the claim. The limitation recited in the claim is that the program division means is configured to divide *the reserved program stored in the recording medium*. Akimatsu discloses storing data files singly; Akimatsu does not disclose dividing a reserved program which is already stored in the recording medium.

Further, Akimatsu does not disclose dividing the reserved program based on comparison

between the program identification information included in the reservation information stored in the reservation-information memory and the program identification information of the program list acquired at the time after the program-recording completion time, as recited in claim 35.

Thus, the invention as recited in claim 35 is not rendered obvious by the combined disclosures of Horowitz, Wells, and Akamatsu. It is submitted that claim 35 is allowable over the prior art of record, as are claims 36-43 depending therefrom.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this amendment, the Examiner feels that there are any issues remaining which must be resolved before the application can pass to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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